REMARKS/ARGUMENTS

Upon entry of the present amendment, claims 9-10 will have been canceled, and claim 11 will be submitted for consideration by the Examiner. In view of the present amendment, Applicant respectfully requests reconsideration of the outstanding rejection in the present application. Such action is respectfully requested and is believed to be appropriate and proper.

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided, and for indicating the allowability of claims 7-8.

Turning to the merits of the action, the Examiner has rejected claims 9-10 under 35 U.S.C. § 103 (a) as being unpatentable over MIMMS et al. (U.S. Patent Publication No. 2002/0176355) in view of BHASKARAN (U.S. Patent No. 5,963,540).

As noted above, Applicant has canceled claims 9-10 and submits new claim 11. Applicant respectfully traverses the above rejection based on the newly added claim 11 and will discuss the outstanding rejection with respect to this claim in the present application, as will be set forth hereinbelow.

Applicant's claim 11 relates to a method for a backup gateway to assume predetermined tasks of a primary gateway when the primary gateway malfunctions. In the method, the backup gateway apparatus operates on a home network and is selectively connected to a peripheral device. The backup gateway is selectively connected to an Internet service provider and to the gateway

apparatus. The primary gateway apparatus performs a routing operation, an application conversion, and a protocol conversion between the peripheral device and the Internet service provider. The backup gateway apparatus stores an address of the peripheral device and an address of the Internet service provider. A Route Information Protocol (RIP) is transmitted to the primary gateway apparatus, and the routing table is updated based on a response to the RIP from the primary gateway apparatus. A determination is made that the primary gateway apparatus is malfunctioning when the response to the RIP is not detected for a predetermined time. The routing operation is performed between the peripheral device and the Internet service provider based on the updated routing table without performing an application conversion and a protocol conversion when it is determined that the primary gateway apparatus is malfunctioning. When it is determined that the primary gateway apparatus is no longer malfunctioning (e.g., a response to the predetermined signal is received from the primary gateway apparatus after it was determined that the primary gateway apparatus has malfunctioned), the routing operation is terminated. Thereafter, the primary gateway apparatus re-starts a routing operation, an application conversion, and a protocol conversion between the peripheral device and the Internet service provider. Claim 11 is generally a method claim related to allowed claim 7. Applicant submits that this claimed combination is neither disclosed nor suggested by the applied art of record. Applicant further submits that claim 11 is based on allowed claim 7.

As the Examiner admits in the Official Action mailed on March 8, 2005, MIMMS et al. do not disclose returning control of the routing operation to the primary gateway when the response to the predetermined signal (e.g., RIP) is received by the backup gateway after the backup gateway has assumed the routing operation.

Thus, the claimed feature is neither disclosed or suggested by the applied art of record. Applicant submits that the pending claims are clearly distinguished over MIMMS et al.

Therefore, it is respectfully submitted that numerous features recited in Applicant's claim 11 is not disclosed or not rendered obvious over MIMMS et al. cited by the Examiner.

Applicant submits that BHASKARAN discloses a router fault tolerant network interface system. In the system, flowswtich 302 monitors the router traffic to detect whether a failed router ha s recovered. If the failed router recovers, outbound traffic directed to the recovered server will be routed to the recovered router.

However, Applicant submits that BHASKARAN does not disclose (or even suggest) to perform the routing operation between the peripheral device and the Internet service provider based on the updated routing table without performing the application conversion and the protocol conversion when it is determined that the primary gateway apparatus is malfunctioning. BHASKARAN also does not disclose (or even suggest) to terminate the routing operation when it is determined that the primary gateway apparatus is no longer malfunctioning (by

receiving a Route Information Protocol after it was determined that the primary gateway had malfunctioned), the primary gateway apparatus thereafter re-starting the routing operation, the application conversion, and the protocol conversion between the peripheral device and the Internet service provider.

Accordingly, Applicant submits that even if one attempted to combine the teachings of the applied art in the manner suggested by the Examiner, one would fail to arrive at the present invention, as defined by claim 11,as such a combination would fail to include the above-discussed features.

Thus, Applicant submits that the pending claims are clearly distinguished over the applied prior art combination.

Therefore, it is respectfully submitted that numerous features recited in Applicants' claim 11 is not disclosed or not rendered obvious over the combination of MIMMS et al. and BHASKARAN, cited by the Examiner.

Further, as noted above, Applicant submits new claim 11 that include the features recited in allowed claims 7-8. As at least the features recited in claims 7 and 8 are lacking from MIMMS et al. and BHASKARAN, Applicant submits that the present invention, as defined by the claim 11, are neither anticipated or obvious over MIMMS et al. and BHASKARAN.

Furthermore, although the status of the present application is after final rejection, since the amendments merely submit related method claims including the features recited in allowed claims 7-8, no new issues are raised. Thus, entry of the present amendment is respectfully requested and is submitted to be appropriate.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection, and requests an indication of the allowability of the claims pending in the present application.
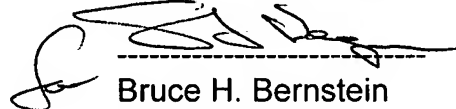
SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has canceled the rejected claims without prejudice and submits new claims for consideration by the Examiner. With respect to the pending claims, Applicant has pointed out the features thereof and has contrasted the features of the new claims with the applied art of record. Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application, and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should an extension of time be necessary to maintain the pendency of this application, including any extensions of time required to place the application in condition for allowance by an Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

Should the Examiner have any questions or comments regarding this

Response, or the present application, the Examiner is invited to contact the

undersigned at the below-listed telephone number.

Respectfully submitted,
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